



1200 Nineteenth Street, NW
Suite 500
Washington, DC 20036

Telephone: (202) 467-6900
Fax: (202) 467-6910
www.wcsr.com

John F. Garziglia
Direct Dial: (202) 857-4455
Direct Fax: (202) 261-0055
E-mail: jgarziglia@wcsr.com

October 18, 2017

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

**Re: NOTICE OF EX PARTE COMMUNICATION - FM TRANSLATORS
RM-11786 (Aztec Capital Partners, Inc. Petition for Rulemaking)
RM-11787 (National Association of Broadcasters Petition for Rulemaking)**

Dear Ms. Dortch:

On October 16, 2017, Linda Vilardo, the Chief Administrative Officer of Urban One, the licensee of the Radio One group of radio stations, and the undersigned, met with Chairman Ajit Pai and his Media Advisor Alison Nemeth to discuss FM translator interference issues and the above-referenced petitions for rule making.

Urban One thanked Chairman Pai for his interest and support of radio broadcasting and his focus on revitalizing the AM band. Urban One described how it has ten AM radio stations in its portfolio (mostly Class Cs and Ds) and that Urban One has benefitted greatly from the Chairman's efforts. The Chairman was informed that one of the Commission's most useful decisions was to allow AM stations to be paired with FM translators for clearer sound and 24/7 operation. Urban One currently has 6 translators paired with its AM stations. Urban One also complimented the Audio Division staff for their quick action on the FM translator applications and being so responsive to questions about the new FM translator application procedures.

Urban One stated that while the FCC's AM-exclusive FM translator initiative is a tremendous success, it has also created unintended consequences and raises serious policy issues that need to be resolved by the full Commission. Urban One noted that the FCC's FM translator rules, when adopted some three decades ago, did not envision the important purposes now served by FM translators which include bringing enhanced service from AM stations to local listeners and providing diverse local programming through niche formats by rebroadcasting HD sub-channels.

To address these consequences and issues, Urban One emphasized to the Chairman and Ms. Nemeth that the FCC needs to protect local listeners of both existing FM stations and FM

translator stations, and use a balancing approach as to harms and benefits to local radio listeners in considering FM translator interference issues.

Urban One noted that about 2,000 AM cross-service FM translators have been or are about to be deployed. Therefore, the public interest question is raised as to what is an appropriate standard for protecting the local listeners of FM translators accused of causing interference that carry AM stations or HD sub-channels.

Urban One noted that the FCC's current FM translator interference standard is that any claimed interference to any existing full power FM station's listeners, even from less than a handful of listeners who may live far outside the FM station's local audience area and protected contour, constitutes a basis for ordering the FM translator off the air. This results in distant out-of-market stations driving FM translators carrying local radio stations off the air.

Urban One advocated that silencing an FM translator carrying a local station is contrary to the goal of providing consistent and reliable signals to local radio listeners. In short, local radio service to thousands of local listeners can be shut down because the FCC's current policy fails to consider the extent to which local listeners will be affected if the programming provided by the FM translator is removed from the air.

Urban One noted to the Chairman and Ms. Nemeth that this is not an easy policy issue to resolve, and like most major broadcasters, Urban One is on both sides of this issue. Urban One asked the Chairman to place a priority on protecting local radio audiences for both existing FM stations and FM translators in interference complaint proceedings, and in any contemplated rule and policy changes. The attached map illustrating local radio signal propagation from stations involved in a recent Audio Division decision was shown to Chairman Pai and Ms. Nemeth.

Urban One also recounted that the Chief of the Audio Division was twice quoted at industry events stating that "updated" FM translator interference policies going forward will be announced through an adjudicatory decision to be adopted by the full Commission. Urban One asked, in the spirit of agency transparency championed by the Chairman, that any draft of such an adjudicatory decision having wide-ranging effects on broadcasters and radio listeners be shared with the public prior to the Commission adopting it.

Urban One encouraged quick FCC action in moving forward with the two pending petitions for rulemaking on the subject of FM translator interference: the Aztec Capital Partners, Inc. Petition for Rulemaking in RM-11786, and the National Association of Broadcasters Petition for Rulemaking in RM-11787. In the interim, Urban One asked that the FCC and its Audio Division be particularly judicious in giving full due process protections to the local radio service provided by FM translators prior to any removal of that service from local listeners, particularly in situations where complaining radio listeners are located far outside of the existing station's local radio audience.

Urban One closed by thanking the FCC, the Chairman and Ms. Nemeth for the FCC's continuing efforts to enhance the integrity of the FCC's FM translator procedures, and ensuring the protection of local radio audiences.

Respectfully submitted,



John F. Garziglia
Counsel to Urban One, Inc.

cc: The Honorable Ajit Pai
Alison L. Nemeth, Esq.

Enclosure

